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APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/143,318	08/28/98	YAMANAKA	T S004-3484

EXAMINER

MM91/0614

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STUD. M.	PAPER NUMBER
ART UNIT	

2834

DATE MAILED: 06/14/00

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

OFFICE ACTION SUMMARY

☒ Responsive to communication(s) filed on 4-24-00☒ This action is **FINAL**.☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 D.C. 11; 453 O.G. 213.A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

- ☒ Claim(s) 1-21 is/are pending in the application.
Of the above, claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-27 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
- ☐ received.
- ☐ received in Application No. (Series Code/Serial Number) _____
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

- ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- ☐ Notice of Reference Cited, PTO-892
- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☐ Interview Summary, PTO-413
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Notice of Informal Patent Application, PTO-152

--SEE OFFICE ACTION ON THE FOLLOWING PAGES--

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Claim 20 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claim is vague, indefinite and inaccurate in that there is no description or illustration of a device wherein the oscillating member has plural feces in contact with the moving body.

Claims 1, 9/1, 8 and 9/8' are rejected under 35 USC 102 as anticipated by Takusima, Kanazawa or Kawai.

Claims 2, 9/2, 3 and 9/3 are rejected under 35 USC 102 as being anticipated by Japan (565) or Sumihara.

Claims 4 and 9/4 are rejected under 35 USC 102 as being clearly anticipated by Suminara.

Claims 5 and 9/5 are rejected under 35 USC 102 as being anticipated by Inagaki (UK).

Claims 1-21 are rejected under 35 USC 103 as unpatentable over Kawai, Tokusimer or Kanazawa in view of Japan (783) and the 'prior art'. Each of Kawai, Tokusima and Kanazawa teach the ultrasonic motor structure including at least one portion formed of an insulating material. They don't explicitly teach a self-oscillation drive circuit, but as conceded by applicant, this type of circuit is so widely known for use in such motors that one of ordinary skill in the art, and therefore Kawai, Tokusima and Kanazawa, would be knowledgeable and use such drives. The main references also don't teach some of the claimed materials. However, selection from among known appropriate materials has long been held to be within the skill expected of

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the routineer. Japan, for example teaches use of ceramic for wear protection. Each of the other specifically claimed materials are well known either as insulators, wear protectors or for general use in piezoelectric, ultrasonic motors, and there use would have been obvious to one of ordinary skill in the art.

Regarding applicants remarks, note Tokusima, col. 5 ln 42-49; Kanazawa, #7, and Kawai, Col. 8, ln 8-16 which explicitly teach using insulating materials in the motor.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Budd/dc
June 13, 2000

MARK A. BUDD
PRIMARY EXAMINER
ART UNIT 212